

## COUNCIL PROCEEDINGS FOR MARCH 12, 2001

**Meeting called to order at 7:00 PM by Mayor Kelly Pavel.**

**Pledge of Allegiance** led by CM Julie Miller.

**PRESENT:** Mayor Kelly Pavel, Councilmembers Laura Carpenter, Frank Lukacs, Mike Stain, Julie Miller, Judy Murray, Patricia Jacobson; City Clerk Denise Hoff, City Manager Clint Holmes, City Attorney Gerard Garno, Attorney John Lengemann.

**ABSENT:** None.

**CORRECTION AND APPROVAL OF MINUTES:** Motion CM Miller, support by CM Murray, to approve the Minutes of February 26th, 2001, as submitted. Motion Carried.

**PAY BILLS:** Motion by CM Murray, supported by CM Carpenter, to pay the bills as presented in the following funds: General-\$21,866.79, Payroll-\$11,169.67, Sanitary Sewer-\$1,739.67, Water Rec. \$148.70, Investment- \$29,548.07. Motion Carried.

### **OLD BUSINESS:**

1. City Ordinance Chapter 5 Work Session Scheduling: Pending
2. Rezoning Request-Keith Muxlow: Pending.

### **PERSONAL APPEARANCES:**

1. Dave Kredell - District Services Director for State Representative Stephen R. Ehardt Office. He stated that Representative Ehardt's staff is working the issues regarding the railroad crossing in Brown City. The Representative received a letter from MDOT concerning their proposed course of action. Specifically, the ties will be repaired soon, and MDOT is still researching railroad crossing safety equipment. If additional safety equipment were required at the intersection of Main and James Streets, there would be no cost to the City. Mr. Kredell emphasized that if the City has any additional questions or concerns, to please call Steve.
2. Carol Walters, City Treasurer. Re: Tax Collection Season for 2000. The City levied 655 Tax Bills, of which 577 were paid. 78 were turned over delinquent to the County Treasurer. Tax money was dispensed to the Local Taxing Entities: Sanilac County, Brown City Community Schools, Sanilac I.S.D., State of Michigan, City of Brown City, Brown City Park, and Lapeer County.

Brown City's Collections were as follows: Taxes Collected - \$299,348.66, Turned over Delinquent - \$4,269.76, County Road Millage due to the City - \$35,953.99, Taxes from Lapeer Properties - \$1,307.16, Interest Earned on Tax Acct. - \$631.20. The County Treasurer expects to pay the Delinquent taxes to the City in June 2001.

**PUBLIC QUESTIONS AND COMMENTS:** None.

### **PETITIONS AND COMMUNICATIONS:**

1. Suburban Homes/Maple Valley Manufactured Home Park-Six Foundations and Model Homes. City Planning Commission recommends approval. Motion by CM Carpenter, supported by CM Lukacs, to approve the six (6) pre-application building permits for Suburban Homes/Maple Valley Manufactured Home Park for foundations and model homes on LOTS #71,73,75,78,51,53. Motion Carried.  
City Manager stated that water and sewer tap-in/connection fees of \$1,400 each for the two units now being installed will be paid on Wednesday, March 14, 2001.

**ORDINANCES:** See Public Hearing below.

**COMMITTEE REPORTS:**

1. **Building and Grounds (Carpenter)** - None. (Empty lot where Snoblin house looks nice.)
2. **Streets and Sidewalks (Lukacs)** – Sidewalks needing replacement will be identified when weather breaks.
3. **Police (Miller)** - B.C.P.D. Policy for In-Car Video Camera Program. CM Miller questioned City Manager if all right to proceed with motion before charge established for video duplication. City Manager did not see problem with proceeding. CM Murray concerned about training for officers, specifically, is there anyway to document this and be verified with their signatures. City Manager states he will develop training verification procedures. CM Murray also concerned about need to inform person being stopped (see Page 2, Section I, of Policy) that they are being taped. City Manager states this comes under the expectation of privacy of which there is none. Motion by CM Miller to approve Policy for In-car Video program, support by CM Lukacs. Motion Carried.

**PUBLIC HEARING:**

1. **Increasing Water Rates.** Mayor Kelly Pavel opened the Public Hearing at 7:15 P.M., for public questions and comments concerning the proposed rate increase. City Manager Holmes stated City of Brown City rates based on household population and if over or under the age of 65, for example rate of \$27.60 per quarter for two people, to increase by 20%, rounded to the nearest nickel to \$33.15. Increase necessary to offset operating deficit in Water Fund, and reduce need for contributions from the General Fund. Increase is approximately \$20.00-\$28.00 per household a year.

Citizen #1- 1. When I worked for the City of Brown City in the late 1960's, we did our own Tap-ins. Why doesn't the DPW do this, instead of spending money to hire this done? City Manager stated that the DPW does do their own, exception was a job done recently by a hired firm because of 10-inch cement/asbestos water main. 2. Also wondering why water that goes out of town i.e., fire, elevator, doesn't get charged? Seems to be thousands of gallons of water going out of town, and no one is paying for it. City Manger states that there is no really good way to keep an accurate count at this time, and it has never been addressed. Mayor Kelly Pavel, states she feels it is worth investigating. CM Murray asked to address this situation with the Fire Authority. City

Attorney Gerard Garno commented that raising rates is not a violation of the Boldt ruling (Boldt vs. City of Lansing).

City Manager informed public that an Ordinance was passed two (2) years ago allowing the council to raise fees when necessary by motion, and without an Ordinance change.

Mayor Kelly Pavel closed the Public Hearing at 7:28 P.M. Open for City Council discussion: CM Lukacs, what would be the total increase with the formulas proposed? CM Murray states around \$13,000, from \$68,000 to \$81,000. Motion by CM Stain, support by CM Murray, to increase Water rates approximately 20% effective immediately.

Roll Call Vote: Carpenter- Y, Lukacs- Y, Stain- Y, Miller- Y, Murray- Y, Jacobson- Y. 6 Yeas, 0 Nays, 0 Abstain, 0 Absent. Motion Carried.

2. Proposed Fiscal Year 2001-2002 Budget/Necessary Amendments to Fiscal Year 2000-2001 Budget and Proposed Property Tax Millage Rate. Mayor Kelly Pavel opened the Public Hearing at 7:35 P.M. City Manager stated that since the last amendment there has been a decrease in the overall expenditures. Also there is a decrease in the expenditures for the 2001-2002 Budget.

1. Question re: park getting \$21,000.00 this year as reflected in the mills, was the 1 1/4 mills for 10 years? City Manager stated he believes this was open-ended. Unknown at this time, to check on ballot to see length of the mills. Citizen feels this should be reviewed due to another City with a suit being filed against them for six million dollars, because the mills had expired.

Mayor Pavel closed the Public Hearing at 7:42P.M. Council Discussion/action.

CM Murray, re: Historical Society, is the lease to be executed before end of the year. City Manager states that the utilities are switched over, checking account balance was transferred on Friday, March 9, 2001. CM Murray states the dollar amount should be reflected in the Budget to zero out Budget/Balance. When amendment is passed it should reflect fund balance for end of fiscal year. Motion by CM Murray, support by CM Miller, to adopt Resolution 01-03: Resolution of the City of Brown City to Amend the City's 2000-2001 Budget to better reflect Revenues and Expenditures.

Roll Call Vote: Carpenter-Y, Lukacs-Y, Miller-Y, Stain-Y, Murray-Y, Jacobson-Y. 6 Yeas, 0 Nays, 0-Abstain, 0-Absent. Motion carried.

Motion by CM Murray, support by CM Carpenter, to adopt Resolution 01-04: A Resolution Formally Approving the City of Brown City Millage Rate of 16.8733 and Brown City Park Millage Rate of 1.1556 and the Fiscal Year 2001-2001 Budget..

Roll Call Vote: Carpenter-Y, Lukacs-Y, Miller-Y, Stain-Y, Murray-Y, Jacobson-Y. 6 Yeas, 0 Nays, 0 Abstain, 0 Absent. Motion Carried.

#### **COMMITTEE REPORTS CON'T.:**

4. **Water and Sewer (Stain)** - See Public Hearing Water Rate Increase above.
5. **Tax and Finance (Murray)** - None.
6. **Personnel (Jacobson)** - Posting of job for part time DPW to be done this month. Dave Kinney to write an advertisement, and post it in *The Banner*.

**ATTORNEY'S REPORT:** Reviewed settlements/negotiations via the City Manager, for Mapleview Estates, everyone did a great job, and I hope everything works out to the benefit of the City.

**CITY MANAGERS REPORT:**

1. **SNOBLIN HOUSE:** House was demolished. Final removal of the foundation and clean-up were almost completed as of March 9<sup>th</sup>. Once the final bills have been calculated, a bill will be sent to Mr. Snoblin, and if not paid will be added to the property taxes.
2. **MASTER PLAN:** The Planning Commission reviewed the proposals for the Master Plan. They narrowed the list down from eight (8) to four (4). They have tasked City Manager to check references and invite two or three to give a formal presentation at their next meeting in April.
3. **ZONING ORDINANCE:** The Planning Commission had a special working meeting to review Chapter 8. They have reviewed the first third and plan to finish on Monday, March 19<sup>th</sup>. A draft should be ready for their approval in April if the next meeting goes as well as is expected.
4. **FEMA SNOW REMOVAL GRANT:** Final paperwork was submitted in Sandusky. The City should receive a check for \$6,443 within the next couple of months. I especially want to commend Dave, Sue, and Wendy for putting together all of the numbers needed to complete the application.

**MAYOR'S REPORT:**

1. **PLANNING COMMISSION APPOINTMENT:** Lee Elston is resigning his position with the Planning Commission due to time constraints and other commitments. Ken Brown has agreed to replace him. Motion by CM Carpenter, support by CM Lukacs to appoint Ken Brown to the Planning Commission. Motion Carried. The City would like to publicly thank Mr. Elston for his services to the community.
2. **CITY LIBRARY:** Also would like to address the Library window, as to what is going to be done with that? City Manager states that the Library Board, specifically Mary Crake, is in the process of finding an artist to paint something "library like" on the inside of the display window.

Motion by CM Lukacs, support by CM Stain, to adjourn the meeting at 8:03 P.M. Motion Carried.

Respectfully submitted,

Denise Hoff  
City Clerk